

our job, and our job starts with Members of the Senate meeting with Judge Garland to be able to see one-on-one, without cameras glaring, how Judge Garland responds to our individual issues. We obviously have his record, his background, his public service, what he has done as a lawyer, what he has done as a prosecutor, and what he has done as a judge on the circuit court. We also should have a confirmation hearing in the Judiciary Committee, which will give us more information.

Under the Constitution, the responsibility of the President is to make the nomination. It is now up to the Senate to do our job, and our job is to consider that nominee, for each Senator to learn as much as they possibly can—this is a critically important position, obviously, the Supreme Court of the United States—and for the institution to hold hearings and to vote. Each Senator will have to make his or her own judgment on whether we should vote for or against confirmation, but we have a responsibility to consider that nomination and a responsibility to vote.

I must say that I was very impressed by the nominee during the course of our meeting. He has impeccable qualifications as a prosecutor, judge, and now chief judge of what many call the second highest court in the land. The Senate confirmed Judge Garland on a bipartisan basis for his current judgeship, which he has held for nearly two decades. Chief Judge Garland strikes me as a thoughtful and deliberate person who has dedicated his life to public service. And I am proud to say that the nominee is a Marylander and lives in Bethesda in Montgomery County, MD.

Chief Judge Garland is the nominee for the Supreme Court and should be dealt with in this term of Congress. It is not a matter for the next President and the next Congress; it is a matter for this President and this Congress. There are 9 months left in this year, and to suggest that we don't have the time and the President doesn't have the authority to appoint a nominee is outrageous, and it is an affront to the Constitution.

This nomination is not about popularity or politics; it is about finding the next Justice who will advance the rule of law in this country, who will recognize the responsibility of the Supreme Court to be the final arbiter on constitutional issues, and having a person who can bring about greater consensus among his colleagues. As more of my colleagues meet Judge Garland, they will see that this is one of his many strengths. We need to go through the process and give Chief Judge Garland a chance.

I think it is hard to understand how you are excused from doing your job for 9 months by not having a confirmation hearing or vote. I don't think the American people understand that. Quite frankly, I don't understand that. I don't understand why we are not

going through the regular order. Regular order would be for us individually to meet with Judge Garland and for the Judiciary Committee to hold a hearing and to schedule a timely vote on the floor of the Senate. I think more and more Senators will come to that conclusion. The President did his job, and it is now time for the Senate to do its job.

The American people want to see nine Justices on the Supreme Court when it convenes its new term in October. We have a new term beginning in October of this year. We expect to see nine Justices on the Court to make decisions. You don't resolve issues on a 4-to-4 vote. We hopefully will have greater consensus. We shouldn't have a divided Court. We should be able to get more collegiality on the Supreme Court, but we also should be able to make a decision. The Supreme Court needs to be able to make a decision. With eight Justices, in too many cases they are not going to be able to make a decision.

Article II, section 2, of the Constitution states that the President "shall nominate, and by and with the Advice and Consent of the Senate, shall appoint . . . Judges of the supreme Court." The President has no alternative under the Constitution but to make a nomination when there is a vacancy. There is a vacancy on the Supreme Court due to Justice Scalia's untimely death. The President did his job. The Constitution says very clearly that we—the Senate—have to advise and consent. That is our requirement. That is not optional; we have that as a requirement. Never have we denied an opportunity to consider a Supreme Court nominee. It is now up to us to consider that nominee, and we should consider that nominee by doing our job—interviewing Judge Garland, scheduling a committee hearing, and voting on that nominee.

The American people twice elected President Obama to a 4-year term in office. Their voice has been heard very clearly. Elections have consequences, and President Obama has carried out the constitutional responsibilities and duties of his office by nominating Judge Garland as the successor to Justice Scalia. The President is simply doing the job the American people elected him to do. The President doesn't stop working simply because it is an election year. He has more than 9 months left in office, as do Senators who will face the voters in November. Congress should not stop working, either, in this election year.

Of course, every Senator has the right to make his or her own judgment on whether they will vote for or against confirmation. Senators were elected for 6-year terms by the citizens of their States and have the right and obligation to vote as they see fit. President Obama was elected by the people of the United States for two 4-year terms and has the right and obligation to nominate judges.

History has shown that when the roles were reversed and Democrats held the majority in the Senate, Supreme Court and judicial nominees for Republican Presidents were given hearings and up-or-down votes regardless of when the vacancies occurred. While I might have picked different judges, as a Senator, I voted to confirm the vast majority of President Bush's judicial nominations in his final year in office. I will continue to carry out my constitutional responsibilities that I undertook when I became a Senator and swore to support the Constitution.

Let me remind my colleagues that a democratically controlled Senate confirmed Justice Kennedy to the Supreme Court during the last year of President Ronald Reagan's final term in 1988. Senators also confirmed Justice Murphy in 1940, Justice Cardozo in 1932, and Justice Brandeis in 1916. The precedent of the Senate indicates that we need to take up this nominee.

What the Republicans are effectively trying to do is temporarily shrink the Supreme Court from nine to eight Justices and shorten the term of the President from 4 years to 3 years. Why? Because the President is of a different party than the Senate. This is disgraceful and indefensible.

Let me quote Justice Sandra Day O'Connor, who was appointed by President Ronald Reagan in 1981 as the first female Justice of the Supreme Court. When asked about the vacancy on the Court created by the death of Justice Scalia, Justice O'Connor said, "We need somebody there now to do the job, and let's get on with it." I agree with Justice O'Connor. Let's do our job and fulfill the Senate's constitutional responsibilities and vote up or down on Judge Garland's nomination.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RECESS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Senate stand in recess as under the previous order.

There being no objection, the Senate, at 12:25 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

#### AMERICA'S SMALL BUSINESS TAX RELIEF ACT OF 2015—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak for up to 20 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, I am here for my 132nd "Time to Wake Up" speech. We are now back from recess, and while we were away, one little thing and three really big things happened. The little thing has to do with the so-called war on coal which we have heard so much nonsense about in this Chamber. There was this article, which I am showing on this chart, saying: "Natural gas has been waging a war on coal for more than a decade, and this is the year it plants the flag."

Natural gas has been waging a war on coal. Not Obama. Not liberals. Natural gas.

The article predicts a resulting "wave" of coal plant retirements. Who wrote this? Some green, lefty publication? Actually, it was the Wall Street Journal news department.

So as coal companies go bankrupt left and right, there is the coal story. Natural gas has been waging war on coal for more than a decade. Spinning this against the President has been easy politics, but false, and that false political strategy has left coal country with what? Nothing. A carbon fee could produce revenues that could power wealth into coal country, but, no, what they got instead was someone to blame—someone to blame wrongly. Great job.

Now to the three big things that happened during our recess. First, a group of very distinguished scientists, led by legendary climate scientist Dr. James Hansen, warned us that this climate change thing is likely to be a lot worse than we thought. Their sweeping synthesis, which underwent an involved and public peer-review process, suggests the possibility of greater sea level rise in this century than forecast. It suggests, worse, even epic storms, and it posits "losing functionality of all coastal cities." How about that for a phrase? They go on to conclude, obviously, that "the economic and social cost of losing functionality of all coastal cities is practically incalculable."

That was one.

Second is the Great Barrier Reef, a wonder of the world, hit by the worst coral bleaching ever measured. For those of my colleagues who don't know, uplanders who may not understand what coral bleaching is, it is like cardiac arrest for coral. You are not necessarily dead yet, but there is a very good chance you will be, and for sure you are in serious trouble and you will need time to recover. That is what is happening in the Great Barrier Reef.

The third thing is a new study out of UMass and Penn State which found that the expected loss of Antarctic ice "nearly doubles" prior estimates of sea level rise.

I am from an ocean State. I am from Rhode Island, the Ocean State. This is consequential. How consequential? Here is what one of the authors of the

study said: "You're remapping the way the planet looks from space with those numbers, not just subtle changes about which neighborhoods are going to be susceptible to storm surge," but remapping the way the planet looks from space. Of course, CO<sub>2</sub> levels continue to exceed 400 parts per million against a human history where they were always between 170 and 300 until the industrial era drove it up.

So that is not great news, but here is what is sickening about it. We don't seem to care here. It has all been in the news. Senators read the news. It is not like we are being deprived of information. We just as an institution do not care. That is a defect. That makes us a defective institution, not to be able to receive and process information like this. This is institutional failure, and we don't even care about that because one might say: You know, I don't really care myself about all of this damage, but as a Member of this body, I get that the U.S. Senate ought to care institutionally. It is like secondary caring. I will do my duty. Even if I personally don't care about oceans or reefs or coasts or storms, I am in. I am in, even though it is not my thing, because I know it is important. But we don't even do that. So we really don't care.

Why? Why would we be so blind? We are not all terrible people. Some of us actually spend time outdoors and profess to care about nature. So why does the Senate, as a body collectively, not give a hoot? It is a deadly combination of politics and money. That is what investigation and history will show, and the investigations are underway. The history will not be pretty.

We are surrounded by money. Senators exist in a world of money the way fish exist in a world of water. We are so accustomed to it, we barely even notice it. Hundreds of millions of dollars every year in lobbying money surround us. Hundreds of millions of dollars in campaign money every election have to be raised. Hundreds of millions in PAC money pours in and exerts its influence, and we don't even know how much dark money there is flowing around through loopholes the size of the Holland Tunnel. Just one—one—dark money group is spending \$750 million in the 2016 elections. It is a disgrace, but it has an effect.

The interests that spend hundreds of millions of dollars lobbying us want things. The interests who give hundreds of millions of dollars in campaign money want things. The PACs and the super PACs pointing \$750 million in political artillery at us, they want things. Some want ideological things, but most want money. More exactly, they want things we can do that can be turned into money: licenses, tax breaks, trade advantages, regulations, relief from regulations. You name it, they want it because they can turn it into money.

All of that has a desensitizing effect on our values here. If something can't be monetized, we get trained not to

care about it. Values that aren't monetized in the marketplace start to seem weird. Who cares about a reef? What is that weird Senator doing talking about a reef? What a silly thing to talk about in our serious world.

Now, someone's favorable fat cat tax rate, that is important. Jerking around a perfectly qualified Supreme Court nominee, that is definitely important, but the greatest crisis facing the natural world as we know it, no. And we go along. We go along with that warped value system. It is a lie. It is a moral lie so big it envelopes us, and we acclimate to it. All that money around us slowly anesthetizes our moral and natural senses, and that is how this place becomes Mammon Hall.

It is actually even worse than that. It is not just that if you can't cash it in, it doesn't matter around here. It is that big, greedy special interests come here to plunder, and we let them. We let them, and we even help them because we become dependent on their money.

Well, I have a proposition. Years ago, one of the Koch brothers, America's biggest polluters, ran for Vice President as a Libertarian Party candidate. When he ran, he learned something. He learned the perverse math of third parties in a two-party system. The perverse math of third parties in a two-party system is that you only hurt the ones you love. You hurt the party you are closest to by your third party taking votes away from the party closest to your politics. Well, the Kochs may be a lot of things, but they aren't stupid, and I think they learned. They learned that a creepy far-right third party that could be put in tow to big polluters was not the right method to achieve their purposes.

There was a smarter method. Invade the Republican Party, that Grand Old Party of Theodore Roosevelt, capture it, turn it into the far-right party of their dreams. That was the smart play. Money and secrecy could make it happen, and they are pretty close to having done it. The Republican Party in Congress is as dependent on fossil fuel and polluter money now as a deep sea diver is on his air hose. Cut the air hose or pinch the flow, and we have a diver in real distress. When you control a deep sea diver's air hose, he becomes a pretty obedient diver. It is a form of the Golden Rule: He who wields the gold makes the rules.

The political press, by the way, does little to help. It is a game to them. Who will say something appalling we can chatter about on the talk shows? Who is up? Who is down? Who said what about whom? It is akin to a soccer team of 7-year-olds. Most everybody runs to the ball or whatever the shiny object of the moment is, and in the midst of them are outfits that masquerade as the political press, but they are really polluter PR fronts in disguise. They, too, are in tow to the fossil fuel industry. Money and secrecy have their way.

So here we are in the Senate, in the face of this news that came to us over the recess, ineffective, defective, idly paying no attention to what is really important as we chase political trifles around, making a mockery of our great American democratic experiment.

Well, folks, people are going to notice. This climate mess we have created is only going in one direction. When everybody has noticed, when it is way past denying, elected officials who refused to even look at the problem are going to look pretty foolish, and they are going to have to explain.

Well, you see, I thought there was this big hoax.

Really.

Yes, I thought NASA's scientists and NOAA's scientists were all in on it, along with the U.S. Navy and every National Lab we fund.

Hum. That is a big hoax.

Oh, did I forget to mention my home State university must have been in on the hoax too? They were all studying climate change effects actually happening in my home State, but I knew better.

Great.

And every major legitimate American scientific society and most of my home State corporate leaders—I figured they were all wrong.

Oh, OK, and where did you get that idea?

Oh, from a bunch of guys with financial ties to the polluters.

Come on—seriously? Didn't you think that was a pretty obvious conflict of interest?

Wow, is that something I should have thought of? But listen. Now I want you to reelect me because I am such a good, prudent, and responsible decision-maker.

Folks, good luck with that. If you think the Republican Party is in trouble now, wait until the day of reckoning comes on climate change. Explain the money. Explain the money. You don't think people are going to figure out how it works? Explain the talk show science you believe instead of the peer-reviewed stuff. Explain the quality of your due diligence into the science. Good luck with that.

Explain why you thought NASA, which is driving a rover around on the surface of Mars that they flew there and safely landed—that is probably the greatest scientific and mechanical achievement of our time. They did that, but you say they were part of a hoax on climate change. Really?

By the way, I think people here actually owe NASA an apology for saying such nonsense about them, but that is for another day.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

OBAMACARE

Mr. BARRASSO. Mr. President, a couple of weeks ago was the sixth anniversary of President Obama's unpopular health care law. Every year at this time, that birthday is not one people

actually want to celebrate. When we take a look at the reasons Americans aren't celebrating ObamaCare's sixth birthday, it is pretty obvious. Let's read them: unsecured data through the Web site, fewer provider choices, over \$1 trillion in new taxes on American families, 2 million jobs' worth of hours lost, and skyrocketing premiums and deductibles. It is no surprise that the health care law continues to be very unpopular.

Americans know that under the health care law they have less freedom to keep their doctor, to keep the insurance that was right for them and their families, because the President says he gets to decide what somebody needs for themselves and their families—not the families getting to decide for themselves.

We know that—again, it came out during the break—people's personal data is not secure at healthcare.gov, as they thought it was. We know insurance companies are continuing to give patients fewer choices by limiting the networks of doctors that people can see. The health care law has added over \$1 trillion in new taxes onto hard-working American families. Premiums and deductibles are up, and according to the Congressional Budget Office, ObamaCare is cutting the hours Americans can work by about 2 million jobs over the next decade. So it seems that every day there is more news coming out on how the health care law is unaffordable, unpopular, and unworkable.

Last week there was a new study that explains one of the reasons why the President's health care law is collapsing. There was a study that came out from Blue Cross Blue Shield. It compared people buying new health insurance coverage in the ObamaCare exchanges to people who already had health insurance through their jobs. The study found that the new ObamaCare customers went to the doctor 26 percent more often than other people did, that they were admitted to the hospital almost twice as often, that ObamaCare customers have higher costs, and that the average medical spending is about \$1,200 a year higher for people on ObamaCare than people who get their insurance through work. So why is it that hospital admissions are up so much for people who are on ObamaCare, and why is it that doctors' visits are up 26 percent? Because the new ObamaCare enrollees are sicker and costlier. So insurance companies of course have to raise their premiums. People are sicker who are signing up. They go to the doctor more. The insurance company turns around, and it raises premiums on everyone else. That is why so many people are opposed to the health care law—because the impact it has had on them personally.

When insurance companies have to raise their rates on ObamaCare plans, a lot of money is paid by taxpayers because it is the taxpayers who are paying for the subsidies for all the folks

who have signed up for ObamaCare. What we know is that taxpayers are subsidizing the premiums of 83 percent of the people who buy ObamaCare insurance. When the premiums go up, taxes have to be made up to pay for it.

Well, when companies can't get enough extra money, they just stop offering policies. Under ObamaCare that may happen. Then more people will lose their insurance coverage. Maybe some companies will just go out of business. We are familiar with that process because we have seen it. We have seen that under the ObamaCare health care law, a majority of the ObamaCare health insurance co-ops have actually gone bankrupt. The health care law created 23 co-ops, and 12 have already gone out of business.

Premiums were already out of control, and it is getting worse. The average premium for what is called the benchmark silver plan in the ObamaCare exchange is more than 7 percent higher this year than last year. For people who can only afford the cheaper bronze plan, premiums are up 13 percent compared to last year. Over the next couple of months, insurance companies are going to start setting their rates for 2017. They are going to take into account what has happened in the previous year. So this new study by Blue Cross Blue Shield is just laying the groundwork for even more price increases to come next year. I think this is one of the things that explains why so many people dislike ObamaCare.

A new poll came out that found that 47 percent of Americans have an unfavorable view of the health care law. The Kaiser Family Foundation report shows Americans' opinion of ObamaCare is tilting negative—47 percent marked it unpopular in March of 2016. A year ago this poll said that 42 percent of the people had an unfavorable view. There we were a year ago. Here we are now. The number keeps climbing. Now only 41 percent of the people have a favorable view of the health care law. It wasn't supposed to be this way.

Mr. President, 6 years ago Democrats in Washington were very confident that the law would be extremely popular today. As a matter of fact, Senator CHUCK SCHUMER of New York went on "Meet the Press" back in 2010 and said: "It is going to become more popular." He said: "I predict that by November those who voted for the health care law will find it an asset."

Well, we all remember what happened in the 2010 elections. We know that Democrats who voted for the health care law did not find it an asset. Democrats lost six seats in the Senate that year, and they lost control of the House of Representatives. NANCY PELOSI was out as Speaker of the House, and the Republicans took the majority.

Then in 2013, Senator HARRY REID was making this same prediction about how popular the health care law was going to be. He told the newspaper The

Hill in Washington that ObamaCare would be “a net positive” for Democrats in 2014. Senator REID forced the health care law through Congress when he was the majority leader, and I think that is a big part of why he is now the minority leader. He lost the majority in the Senate. Why? I think in big part because of the health care law and the fact that it ignored the needs of the American people.

The longer people have to live with this offensive and expensive law, the less popular it gets.

It was never popular to begin with, but today, even more than before, the opinion is, as this poster says, “tilting negative.”

The same poll also found something I found amazing. I have practiced medicine for 25 years, and I have been involved here in the Senate for a number of years. I have never seen anything like this. This new poll found that 28 percent of Americans say that this health care law has directly hurt them and their families.

The President says: Defend and be proud of this law.

How can you defend and be proud of something that 28 percent of the American public tells you has hurt them and their family personally? Only 18 percent in the poll said the law had directly helped them. It is incredible and it is disturbing. ObamaCare is hurting far more people than it is helping.

Costs are going up much faster than Democrats promised, as are copays and deductibles. It is no wonder the law is unpopular. We know the health care law makes it more expensive for taxpayers—but how much more expensive?

The Congressional Budget Office came out with a report last week. It said that over the next 10 years the health care law is going to cost \$136 billion more than they thought it would cost just a year ago. When they compared what they thought it was going to cost a year ago and what they think it is going to cost now, it is \$136 billion more. That is despite there being fewer people in the insurance exchanges than they expected. They predicted there would be 21 million people buying ObamaCare health insurance this year. In fact, they say it is going to be no more than 12 million.

People are doing everything they can to avoid these insurance policies—especially young, healthy people. So why is it going to cost an extra \$136 billion? One of the reasons is higher premiums, sicker patients, and because the law has dumped so many more people into Medicaid. About 23 percent of the people in the country under the age of 65 are now on Medicaid. That is what the Congressional Budget Office says—one out of every four.

Is that a success—putting all these additional people on Medicaid? The President says it is.

As a doctor who has practiced medicine and taken care of patients for over 25 years, putting additional people on Medicaid is not a success. It is not

what people wanted, and it is not what President Obama promised. Americans deserve better. They deserve better than to be shoved into this second-tier health care system. Plus, in terms of government health care programs and wasting money, a recent study found that for every dollar spent on Medicaid, people only get about 20 to 40 cents on every dollar spent. How is that for an inefficient government system? Almost every day we get more information on the damage the health care law is doing to Americans across the country.

Republicans have offered solutions that would actually keep the promises the Democrats made for ObamaCare, such as letting people keep their doctors and keep their insurance, giving more people options for how they can reduce their costs of medical care. Americans have now been forced to try this ObamaCare experiment—what the Democrats wanted—and forced to do it for the last 6 years. ObamaCare isn't getting any better. It is just getting older, and it is still making things worse for American families. That is why it is so unpopular.

Thank you, Mr. President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LANKFORD). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COATS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### WASTEFUL SPENDING

Mr. COATS. Mr. President, today marks my 38th edition of “Waste of the Week.” With our Nation \$19 trillion in debt, I am going to continue coming to the Senate floor every week the Senate is in session to highlight verified and documented examples of waste, fraud, and abuse.

I turn to reports from nonpartisan organizations such as the Government Accountability Office which indicate that, thankfully, somebody is looking into how we run this government, coming up with examples of how we can run it better. They let the American people know that we are not wisely and carefully spending their taxpayer dollars, and, hopefully, we can take remedial action.

Last year, I detailed an investigation by the nonpartisan Government Accountability Office, the GAO, which discovered that fraudulent applications are being accepted by healthcare.gov. That is the government's health care Web site for choosing ObamaCare plans on the Federal exchange.

Just last month, I discussed a new report from the GAO that outlined how healthcare.gov allowed people to sign up for and receive ObamaCare benefits without proper verification. They did a test. They made up some names, they filled out the application, they sent it in to healthcare.gov, and 11 out of the

12 test applications came back approved, with no verification whatsoever. Subsidies started going out to these people. Even after they were notified at the Centers for Medicare and Medicaid Services, it took months to correct. Some people collected these subsidies; these fraudulent subsidies went somewhere. These were just made-up names. When we look at 11 out of 12, we have to say something is wrong with the system. And if we extrapolated that out, there could be a stunning number of fraudulent applications certified and subsidies sent to people that don't exist.

Today I want to discuss even more ObamaCare problems. This one totals up to \$1.16 billion worth of problems.

We all know that the Affordable Care Act—which I call the Unaffordable Care Act, based on its operations so far—directed States to either develop their own State-based exchange to operate ObamaCare or to use the Federal exchange accessible at healthcare.gov. States had a choice about the action to take. But in order to try to get States to set up their own exchanges, the Obama Administration awarded billions of dollars in Federal grants to States if they agreed to plan and develop a State exchange.

In 6 of the 14 States that chose to develop their own exchanges and receive these Federal grants—Maryland, Hawaii, Massachusetts, Oregon, New Mexico, and Nevada—the end results were disastrous. In fact, the GAO found that these State exchanges were given the green light without the systems ever being fully tested. For example, Maryland's exchange Web site had more than 600 unresolved defects, and Massachusetts had over 1100 unresolved defects.

And yet the exchanges were given the go-ahead by the Obama Administration even though these unresolved defects were not realized and not addressed.

In Oregon, a State exchange was set up by political operatives. Months after the enrollment period began, the online Oregon exchange couldn't enroll a single person, and applicants had to fax in their handwritten materials. Talk about a dysfunctional rollout. On this Senate floor we have talked about how, in the rush to prove that ObamaCare was what this country needed and that the government could efficiently and effectively run a health care system and in a rush to prove and get the thing up and going according to what the promises were, all kinds of mistakes were made.

Oregon's abysmal failure cost taxpayers \$305 million plus an additional \$41 million that had to be spent to bring Oregon onto the Federal exchange. In other words, they failed to set up their State exchange and cost taxpayers \$305 million. Then they had to spend another \$41 million to transfer the system over to the Federal exchange. All totaled, the Federal government gave these six States \$1.16 billion, and today none of these six States

are independently operating their own individual exchanges.

This was a long time in the making. The nonpartisan GAO and the Centers for Medicare and Medicaid Services raised concerns about these State exchanges more than a year before they were scheduled to launch. In other words, the warning went out, saying: You are not getting your act together. This was a year before the process started. We went through that whole year and they still didn't have their act together, and it ended up costing taxpayers \$1.16 billion.

It is no secret that the Obama Administration was in a rush to get this system up and going, and in the process, who knows how much money has been wasted? Who knows the trauma that people have gone through trying to sign up for these exchanges?

I think we all remember the classic debacle that occurred in the whole software system and in the whole exchange system. People were calling in, they couldn't get anybody to answer the phone, and they couldn't get their applications fulfilled. All those promises, you know: Your premiums will not go up a penny. Count on that, the President said, period. Done deal. Take it to the bank. If you want your doctor, you can keep your doctor. Take it to the bank. I guarantee you that is what is going to happen. Costs will not go up.

We have all seen deductibles shoot up. We have all seen premiums increase. People weren't able to keep the doctor they wanted. On and on it goes, and on and on it continues, and it is at the expense of the American taxpayer. Well, maybe it is not surprising. I am here every week, and I probably could come up here every day and maybe every hour and detail some waste of the taxpayers' hard-earned dollars.

So today we are going to add more money to our growing list of waste, fraud, and abuse, taking us to \$158,777,908,417. It just keeps adding up, and our colleagues have not taken the necessary action to try to tie the deal to these problems.

Maybe government has become so overwhelmingly bureaucratic and dysfunctional that we are not able to run this country anymore in an efficient and effective manner. The problem is that we are asking people to go to work every day to put in a hard-earned number of hours earning pay and sending money to Washington, DC, only to find that it is wasted over and over and over. It is a relentless plunge into ever more debt because we don't have the money to pay for what we spend. Then we have to issue bonds in order to collect money, in order to pay for that. All of this falls to the taxpayer, and most of it is going to fall to future generations. They are going to have a limit on their ability to have the opportunity to make a viable living for themselves and for their children, and we wonder why the American people have lost faith in Washington's ability

to carefully spend their hard-earned dollars.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO J. THOMAS MCGRADY

Mr. ENZI. Mr. President, my wife Diana and I wish we could have been with Tom McGrady to mark the retirement of a good friend and a great legal warrior, Pinellas-Pasco Chief Judge J. Thomas McGrady. I am proud of Tom and his commitment to the law. Over the years he has compiled a tremendous record of success. Simply put, he has made a difference.

It is probably unusual for a Senator from Wyoming to speak so highly of a retiring judge from Florida. Over the years, I have had a chance to come to know Tom. I feel honored to call him my friend, and, as often has been said, his departure from the bench will leave some large shoes to fill.

Looking back, the script for Tom's life would have made a great movie. For starters, he was born on Christmas Eve. He turned out to be his parents' favorite Christmas gift. As he grew up and began to explore the world around him and develop his talents and abilities, his educational pursuits led him to another highlight of his life—high school—where he met and went on to marry his high school sweetheart, Mary Choquette.

His interest in the law must have started around then because after graduating from the University of Florida with his bachelor's degree, he then got his juris doctorate degree there, and then joined a law firm and started practicing civil litigation. Before long he opened his own law firm.

He practiced law for 25 years. He was so good that Governor Bush appointed him county judge. He was then appointed a circuit judge, again by Governor Bush. Whenever Tom ran for reelection, he won—without opposition. People admired him and greatly appreciated his efforts on the bench so much that no one ran against him.

Perhaps the best indication of his ability as a judge and the affection of those with whom he served was his unanimous election by 68 of his judge colleagues to chief judge 3 times.

During Tom's service as chief judge, he discovered that with his election came a number of problems—Tom probably called them challenges—that came packaged together with his new duties. He had to deal with cuts to the court budget. He had to deal with a mortgage foreclosure crisis. He had to deal with a number of other issues. He was also working with a system that relied on old and outdated technologies, to name just a few of the

matters that required his attention as chief judge.

Probably the biggest problem was the shortage of funds to run the courts. Things were so bad that it looked as if drastic measures would have to be taken to keep the courts up and running. He came up with an option to obtain a loan from the Governor and the legislature. Without it, there would have been severe cuts, furloughs, and much more. He received a great reception when he shared the details of the problem with those who would be most affected—the judges and their staff. They appreciated his blunt assessment of how bad things were, as Tom put it, "not because of what I had to say, but because I would even come and tell them."

Tom is a straight shooter, and he knew that the best antidote for the impact of bad news was not to sugar coat it but to tell "the truth, the whole truth, and nothing but the truth." It also helped that Tom had established a reputation over the years for being a gentle man and a gentleman, and his honesty, sincerity, good humor, and concern for his colleagues and staffers earned him a lot of good will.

Now that Tom has decided to retire and sit back, he will have more time to share with his family and friends. I know they will enjoy being with him and having more time to share with him, especially his grandchildren, who will love having "Papa" around a little more often.

In the end, that is what it is all about—time. Time for faith, family, and friends. Time is the most valuable and precious asset we have, and how we choose to spend it and the quality of those activities that consume most of our time say a lot about the quality of our lives.

I once heard about a guy who traveled around the world doing research on what people were thinking as they grew older. There were a lot of interesting thoughts they shared, but one of the most frequent comments was about spending more time with family. No one said: I wish I had spent more time at work.

So, as the old film title says so well, Tom has already had a wonderful life, with so much more to come. He has made the most of every moment and every day. Mary, his sweetheart from his high school days, is still by his side, retired from her days as a schoolteacher. Now they will spend time enjoying all that life has to offer. Tom and Mary both truly earned it.

Congratulations, Tom McGrady. You have been a great judge, and you made a difference in more lives than you will ever know. We can all learn a lot from you and the way you have lived your life. God bless you and Mary.

#### REMEMBERING JOSEPH MEDICINE CROW

Mr. President, I rise to share the news with the Senate that Joseph Medicine Crow, a Crow war chief and American hero, has passed away. If you look in today's Washington Post you will

see something unusual—somebody from the West passing away and getting a major mention in the paper. Joe Medicine Crow did that, and he earned it in his 102 years. I know it meant a lot to the students of Western and American history to see the attention he has received, as numerous publications have written about him and his life and his countless contributions to the Crow people and to our Nation.

If you have a chance to read the tributes to Joe Medicine Crow—and I hope you do—you will fully understand what an amazing individual he was. A historian for his people and an important part of American life, he accomplished more in his life than I could ever describe in these remarks.

As I read the articles that were so well researched, they reminded me of meeting and getting to know him when he was on the board of All American Indian Days. That was a gathering that would draw tribal members from all over the United States to Sheridan, WY. They would come to share their history, their culture, their traditions, their sports, their dances, and their arts and crafts. I know that gathering meant a lot to him because one of his top priorities in his life was to ensure that the legacy of the Crow and all tribes would never be forgotten and that their way of life would be passed down from generation to generation.

In an effort to bring us all together as one and overcome the racial divides that separate us, a man named F.H. Sinclair—a columnist for the Sheridan Press who was known by his nickname of “Neckyoke Jones”—came up with the idea of gathering all the tribes together in Sheridan, WY, to demonstrate these talents and abilities. I grew up there, and I was fascinated by the event. As you can imagine, it took a substantial amount of money to organize and plan the event each year, but it paid big dividends for those who were able to attend and all those who heard about it. It was a source of great pride for us all to have this time when we would come together and celebrate the culture of the tribes and the individuals who were so near to us. It provided the kind of exposure and interaction that is so necessary to bring people together and overcome prejudice and bias. I could see the difference the gathering made and the impact it had on those who attended.

Events like that and the opportunity they provide help us to get to know people who come from different cultures and backgrounds and help us to understand and appreciate each other. They remove the boundaries that are created by fear and a lack of understanding. They foster and increase the feeling of community that makes our cities and towns better places to live.

I remember how Joe served on that board and helped with the Miss Indian American Pageant that was part of All American Indian Days. It was a competition of young women who were chosen by their tribes based on their

knowledge of their tribal culture, their history, and their traditional dress. My mother, Dorothy Enzi, worked with Joe Medicine Crow and Suzie Yellowtail on the particulars that needed to be worked out to put on the pageant. My mother would then chaperone the winner to events during the year.

Joe Medicine Crow had a great affection for Wyoming and a love of our land that was never surpassed. In addition to the Crow, Joe Medicine Crow was well known to the Wyoming Arapahos and Shoshones. In so many ways, Joe Medicine Crow was an ambassador for his tribe and his way of life. He was an inspiration to us all.

Joe Medicine Crow referred to his life as living in two worlds. In one, he worked with the Bureau of Indian Affairs for 32 years. Then he returned and fit right back into the other and the culture that surrounded him. It didn't bother him that his life was divided into two worlds. In fact, he said he enjoyed them both.

The tributes to him and the way he lived his life have already started coming in from those who knew him, his family, and his friends. He was a military hero, having served in the Army in World War II. He was not only a student of history, he was a historian who helped to preserve the stories and the culture of the Crow. He also had a great respect for all the traditions of his people.

I will always find a sense of pride and inspiration in the words he used to describe Wyoming. He said that although sage can be found in so many places in the West, the most sacred sage had to be collected on the tribal lands in Wyoming.

Joe Medicine Crow was given 102 years of life, and he made the most of every day. He has a record of which we can be very proud. That is why I hope you will seek out the stories about him that made him such an important part of our history.

In 2009 President Barack Obama presented him with the highest honor awarded to a civilian, the Presidential Medal of Freedom. I know it must have meant a great deal to him to be so recognized—not for himself but for what he knew it would mean to current and future generations.

Now he has passed on from this life and left behind more accomplishments and achievements than we could possibly imagine. His life was like that—102 years of making a difference every day, a difference that will always be remembered and never be forgotten.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

CONGRATULATING THE VILLANOVA WILDCATS ON WINNING THE 2016 NCAA MEN'S COLLEGE BASKETBALL CHAMPIONSHIP

Mr. TOOMEY. Mr. President, I intend to address an amendment to the FAA authorization bill that Senator CASEY and I are offering. But before I do that, I wish to take a quick moment to cele-

brate an amazing basketball game last night and an amazing victory for an amazing team, the Villanova Wildcats. It just made everyone in Pennsylvania so proud. They have had a fantastic season, a fantastic tournament, and last night I think we witnessed one of the greatest college basketball games ever.

I know that is saying an awful lot. There have been a lot of college basketball games, but the game was unbelievable. We had two fantastic teams, extremely well matched, extremely talented, very well coached on both teams, and they just played phenomenally. I don't know how many times the lead changed. I don't think it ever got more than 10 points away from either team. It was just so much fun to watch, all the way through.

I think Jay Wright has proven once again what a magnificent coach he is. The kids who played demonstrated just amazing teamwork and talent, and all of the attributes we want to see in college athletics we saw on display last night.

I can't say enough about the University of North Carolina. What a great team they are. They played with so much heart and they played so well. I think we are going to watch the end of that game—the final 5 seconds of that game—for a long time to come.

I will say when Marcus Paige took that shot, it looked to me like he was 20 feet behind the three-point line. He had almost been knocked over. He was airborne in a very odd and awkward position because he had just dodged another player. He got the shot off, and somehow it dropped. They tied the game, and there were 4.7 seconds left. At that point, I thought: Well, I am in for a late night because this is going to be the first of overtimes since it is tied with only 4.7 seconds left, but that was not the way it ended, as we know. The Wildcats had a plan and they executed it brilliantly with a great play to move the ball up the court quickly, to get it to Kris Jenkins, who put up a long three-point shot, and released it just before the buzzer went off. The buzzer went off while the ball was sailing through the air, sunk the basket, and won the game with no time left. It was the most dramatic and exciting finish to a basketball game that I can recall.

I want to take this moment to congratulate the Villanova Wildcats on an outstanding season, tournament, and game last night. Congratulations to our new national champions.

Mr. President, now let me turn my attention to the amendment I alluded to; that is, an amendment to the FAA reauthorization bill. Senator CASEY and I are going to offer as an amendment the legislation we have introduced as a freestanding bill, and that is the Saracini Aviation Safety Act of 2016. I thank Senator CASEY for the very good work he has done on this issue for some time.

Let me give a little bit of background on the amendment, which is based on



the legislation that is named after Victor Saracini. Victor Saracini was a Bucks County, PA, native. He was a Navy pilot. After he left the Navy, he became a commercial airline pilot. He was a captain. He was the captain of United Flight 175 which, as my colleagues will recall, was one of the planes that was captured by terrorists on 9/11. The fact is, Captain Saracini was murdered by the terrorists when they stormed the cockpit, took control of the plane, killed Victor Saracini, and then flew the plane into the World Trade Center.

Victor Saracini left behind his wife Ellen, who is with us today in the Senate. She has been a very forceful and effective advocate for greater safety on board our commercial planes. Victor also left behind two daughters, Kirsten and Brielle.

The amendment does something very simple. It requires a secondary barrier to the cockpit on commercial aircraft. That is all. That will prevent unauthorized individuals from getting into the cockpit. It is as simple as that. It is a simple, lightweight, inexpensive technology, readily available. It is actually made from a wire mesh, and it provides a barrier between the passenger cabin and the cockpit door. It would only be engaged when the cockpit door is open.

So why is this necessary? It is necessary because it is still entirely possible for terrorists to hijack commercial aircraft.

Back in 2001, after 9/11, Congress took a step to make commercial aircraft cockpits more secure. They mandated the installation of reinforced doors, and these reinforced doors are much stronger than the doors that used to exist. It is very difficult—almost impossible—to breach those doors when they are closed, but the threat remains because on every long flight and on many short flights the doors are open. At some point during the course of the flight, pilots often get up and they get out of the cockpit. They have to go to the restroom or they go to get some food or a flight attendant goes in to check on the pilots or to bring them something they want. That moment when that door is opened, that door is no longer a barrier. Therein lies the danger. There is the moment of opportunity for terrorists.

The FAA fully acknowledges the serious nature of this risk. In April of 2015, an FAA advisory said the following:

On long flights, as a matter of necessity, crewmembers must open the flight deck door to access lavatory facilities, to transfer meals to flightcrew members, or to switch crew positions for crew rest purposes. The opening and closing of the flight deck door (referred to as “door transition”), reduces the protective anti-intrusion/anti-penetration benefits of the reinforced door. . . . During this door transition, the flight deck is vulnerable.

Of course, it is not only the FAA that was able to figure this out. The terrorists understand this as well.

The 9/11 Commission report said this:

Ali Sheikh Mohammed told them—

And the “them” in this case refers to the terrorists he was instructing.

Ali Sheikh Mohammed told them to watch the cabin doors at takeoff and landing to observe whether the captain went to the lavatory during the flight and to note whether the flight attendants brought food into the cockpit.

I continue to quote:

The best time to storm the cockpit would be about 10 to 15 minutes after takeoff when the cockpit doors typically were opened for the first time.

Furthermore—

States the 9/11 Commission report— they had no firm contingency plans—

“They” being the terrorists—

in case the cockpit door was locked. They were confident the cockpit doors would be opened and did not consider breaking them down a viable idea.

Since then, we have made the doors even more durable. It would be even more difficult to actually break down the door or otherwise open a closed door. The problem is when the door is open.

This is not just a theoretical risk. Since 9/11, there have been at least 51 attempts at cockpit breaches worldwide. Five attempts have been successful. One successful attempt occurred in 2006 on Turkish Airlines Flight 1476. Terrorists were successful in entering the cockpit after a flight attendant opened the door to ask the pilots if they needed anything.

So it seems to me unacceptable, when we have a readily available solution, to continue to take this risk. It is just common sense to install secondary barriers on commercial planes. These are inexpensive, several thousand dollars to install. They are lightweight and easy to use and very compact when they are not engaged. The only people who would be inconvenienced by these secondary barriers would be terrorists. Had the secondary barriers, these kinds of barriers, been installed on 9/11, it would have made the job very difficult for the terrorists to ever get into the cockpit.

I urge my colleagues to support this amendment. I think this is a sensible amendment. The substance of this has been approved in the House. We ought to pass it on the Senate floor and pass this FAA reauthorization underlying bill. If we do that, in time, our skies will be that much safer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa

PROPER ROLE OF A SUPREME COURT JUSTICE

Mr. GRASSLEY. Mr. President, a significant number of Americans believe the Supreme Court is highly politicized. Its approval rating has fallen over the years, not surprisingly. Its approval rating has dropped most drastically in recent years following the President's appointment of Justices Sotomayor and Kagan.

There are four Justices who vote in a liberal way in effectively every case the public follows. There are two Jus-

tices who stick to the constitutional text and who vote in a consistently conservative way. One Justice votes mostly, but not always, in a conservative way, and one Justice votes sometimes with the conservatives and sometimes with the liberals.

All of the liberals were appointed by Democrats, the conservatives and swing Justices were appointed by a Republican President, but in a speech shortly before Justice Scalia's death, Chief Justice Roberts maintained that the public wrongly thinks Justices view themselves as Republicans or as Democrats. Of course, it is irrelevant to the public how the Justices view themselves. What is troubling is that a large segment of the population views the Justices as political.

It is appropriate and instructive, then, to ask why the public takes this view and whether that view is warranted. I believe the public's perception is at least sometimes very warranted.

The Chief Justice ruled out that this perception has anything to do with what the Justices themselves have done. Instead, he attributes it to the Senate confirmation process. As he sees it, Senators “frequently ask us questions they know it would be inappropriate for us to answer. Thankfully, we don't answer the questions.”

The Chief Justice also stated:

When you have a sharply divided political divisive hearing process, it increases the danger that whoever comes out of it will be viewed in those terms. You know, if the Democrats and Republicans have been fighting so fiercely about whether you're going to be confirmed, it's natural for some members of the public to think, well, you must be identified in a particular way as a result of that process.

On the one hand, the Chief Justice identified precisely why it would be bad for the Court and the nominee to move forward in the middle of a hotly contested Presidential election campaign.

As you have heard this Senator say, it would be all politics and no Constitution. Of course, that was the thrust of another Senator a few years back—Chairman BIDEN's argument in 1992. But in another respect, the Chief Justice has it exactly backwards. The confirmation process doesn't make the Justices appear political. The confirmation process has gotten political precisely because the Court itself has drifted from the constitutional text and rendered decisions based instead on policy preferences. In short, the Justices themselves have gotten political, and because the Justices' decisions are often political and transgress their constitutional role, the process becomes more political.

In fact, many of my constituents believe, with all due respect, that the Chief Justice is part of this problem. They believe that a number of his votes have reflected political considerations, not legal ones. Certainly, there are academics who agree.

In a recent New York Times article, academics appealed to the Chief Justice's political side. These academics asked him to intervene in the current Supreme Court vacancy, suggesting that it could be a so-called John Marshall moment for Chief Justice Roberts. That is a political temptation that the Chief Justice should resist.

I can't think of anything any current Justice could do to further damage respect for the Court at this moment than to interject themselves into what Chairman BIDEN called the political "cauldron" of an election year Supreme Court vacancy.

In a recent speech, the Chief Justice said: "We're interpreting the law, not imposing our views."

He further stated: "If people don't like the explanation, or don't think it holds together, you know, then they're justified, I think, in viewing us as having transgressed the limits of our role."

Again, with all due respect to the Chief Justice, tens of millions of Americans believe, correctly, that the Supreme Court has transgressed the limits of its role. Tens of millions of Americans believe, correctly, that too many of the Justices are imposing their views and not interpreting the law.

That is the major reason why we should have a debate about the proper role of a Supreme Court Justice. We need to debate whether our current Justices are adhering to their constitutional role.

As the Chief Justice remarked, although many of the Supreme Court's decisions are unanimous or nearly so, the Justices tend to disagree on what the Chief Justice called, in his words, the "hot button issues." We all know what kinds of cases he has in mind when he talks about "hot button issues"—freedom of religion, abortion, affirmative action, gun control, free speech, and the death penalty. One can probably name a lot of others. The Chief Justice was very revealing when he acknowledged that the lesser known cases are often unanimous, and the hot button cases are frequently 5 to 4.

But why is that?

The law is no more or less likely to be clear in a hot button case than another case. For those Justices committed to the rule of law, it shouldn't be any harder to keep personal preferences out of a politically charged case than any other case.

In some cases, the Justices are all willing to follow the law, but in others where they are deeply invested in the policy implications of the ruling, those cases tend to turn out 5 to 4. The explanation of these 5-to-4 rulings must be that in hot button cases some of the Justices are deciding based on their political preferences and not—as they should be—on the law. But if hot button cases are being decided by politicians in robes, then the Supreme Court has no more of a right than the voters to be the final word.

The Chief Justice regrets that the American people believe the Court is no different from the political branches of government. But again, and with respect, I think he is concerned with the wrong problem. He would be well-served to address the reality—not the perception—that too often there is little difference between the actions of the Court and the actions of the political branches. So, Physician, heal thyself. In case after 5-to-4 case, the Justices who the Democrats appointed vote for liberal policy results.

This can't be a coincidence. Democratic Presidents know what they want when they nominate Justices—Justices who will reach politically liberal results regardless of what the law requires. This, of course, is what our current President means when he says that he wants Justices to look to their "heart" to decide the really hard cases. That is an unambiguous invitation for Justices to decide the hot button cases based on personal policy preferences. That, of course, isn't the law, and it is not the appropriate role for the Court. It is no wonder, then, that the public believes the Court is political.

What Democratic Presidents want in this regard is what they get—even before Justice Scalia's death. Leading scholars found this Supreme Court to be the most liberal since the 1960s. Justices appointed by Republicans are generally committed to following the law. There are Justices who frequently vote in a conservative way. But some of the Justices appointed even by Republicans often don't vote in a way that advances conservative policy.

Contrary to what the Chief Justice suggested, a major reason the confirmation process has become more divisive is that some of the Justices are voting too often based on politics and not on law. If they are going to be political actors after they are confirmed, then the confirmation process necessarily is going to reflect that dynamic.

For instance, just last week, after one of my Democratic colleagues met with Judge Garland, the Senator said after discussing issues like reproductive rights: "I actually feel quite confident that he is deserving of my support."

Obviously, I don't know what they discussed during that meeting or what Judge Garland said about reproductive rights, and, to be clear, I am not suggesting anything inappropriate was discussed. My point is this: If Justices stuck to the constitutional text and didn't base decisions on their own policy preferences or what the President asked, based on what is in their heart or on empathy for a particular litigant, then Senators wouldn't deem it necessary to understand whether the nominee supports reproductive rights or not. With this in mind, is it any wonder that the public believes the Court is political?

If we want the confirmation process to be less divisive, if we want the pub-

lic to have more confidence that the Justices haven't exceeded their constitutional role, then the Justices themselves need to demonstrate that in politically sensitive cases their decisions are based on the Constitution and the law and not on political preferences or what comes from the heart or because of some empathy.

So here is where we are about the public perception of the Court being political. When the Justices return to their appropriate role of deciding cases based on the facts and the law, public perception of the Court will take care of itself.

I yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. AYOTTE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. MCCONNELL. Madam President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ARMS SALES NOTIFICATION

Mr. CORKER. Madam President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD-423.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE SECURITY  
COOPERATION AGENCY,  
Arlington, VA.

Hon. BOB CORKER,  
Chairman, Committee on Foreign Relations,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 16-23, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Australia for